

H.A

**Notice of Allowability**

Application No.

10/523,024

Examiner

Samir M. Shah

Applicant(s)

MANFIOTTO ET AL.

Art Unit

2856

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/24/2006.
2. ☒ The allowed claim(s) is/are 7-11.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.


**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|   | 9. <input type="checkbox"/> Other _____   |

  
**DANIEL S. LARKIN**  
**PRIMARY EXAMINER**

Samir Shah

**DETAILED ACTION**

**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Mr. Perkins on 05-22-2006.
3. The application has been amended as follows:  
  
As to claim 7, delete "member (6)" and replace it with -- spring -- (line 11 of the claim).  
  
As to claim 11, delete "metal member is a U-shaped spring" and replace it with -- metal spring is U-shaped --.
4. The above amendment was necessary to overcome a 112 (2<sup>nd</sup>) rejection for lack of proper antecedent basis for "said spring" (lines 12-13 of the claim).

***Response to Arguments***

5. Applicant's arguments, see page 8, 1<sup>st</sup> three paragraphs, filed on 4/24/2006, with respect to the drawings, the specification and claim 4 have been fully considered and are persuasive. The objection of the drawings, the specifications and claim 4 has been withdrawn.

6. Applicant's arguments, see page 9, first paragraph, filed on 4/24/2006, with respect to claims 1-5 have been fully considered and are persuasive. The 112 (2<sup>nd</sup>) rejection of claims 1-5 has been withdrawn.

7. Applicant's arguments, see page 8, last paragraph and page 9, paragraphs 2-3, filed on 4/24/2006, with respect to the amended (new) claims 7-11 have been fully considered and are persuasive.

### ***Reasons for Allowance***

The following is an examiner's statement of reasons for allowance:

8. Innes et al. (US Patent 5,943,908 henceforth "Innes"), teaches a probe (50, 100, 150) to detect/sense a level/surface level (20) of a liquid/fluid (12) including a probe plug/central portion (74) having a joint/annular lower portion (70) at a bottom of the probe plug/central portion (74), the joint being adapted to couple with an object/boiler (figures 3-9; column 5, lines 14-25); a liquid/fluid (12) level sensor/central conductor (16)/tube (14) extending from the bottom of the probe plug/central portion (74) and having an end/upper end (28)/upper end face (80) at a top of the probe plug/central portion (74) (figure 3); a metal disc/metallic washer (86) coupled to the top of the probe plug/central portion (74), the disc/washer (86) having a connection for communicating with the probe (50, 100, 150) (column 5, lines 40-48; figures 3-9); a metal member/fastener (62)/metallic pad (84) extending over a top of the probe plug/central portion (74) and in contact with the end/upper end (28)/upper end face (80) of the level sensor/central conductor (16)/tube (14), the metal member/fastener (62)/metallic pad (84) contacting an upper surface of the disc/washer (86) (column 5, lines 34-41).

Innes does not expressly disclose an “insulating” probe plug, a metal disc coupled to “the bottom” of an “insulating” probe plug or a metal member “having distal ends between the bottom of” an “insulating” probe plug and disc.

9. Kawai et al. (US Patent 4,891,980 henceforth “Kawai”) teaches a liquid level gauge (57) but fails to disclose an “insulating” probe plug and a “metal member” extending over a top of an “insulating” probe, “having distal ends between the bottom of” an “insulating” probe plug and a metal disc.

10. Similarly, closest references Lo (US Patent 6,289,731 B1) and Liang (US Patent 6,065,336) fail to disclose a “metal member” extending over a top of an “insulating” probe, “having distal ends between the bottom of” an “insulating” probe plug and a metal disc.

### ***Conclusion***

11. The prior art made of record and not relied upon, cited in the attached 892 form, is considered pertinent to applicant's disclosure.

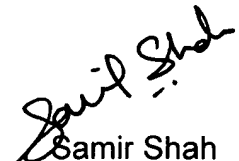
12. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”


13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samir M. Shah whose telephone number is (571) 272-2671. The examiner can normally be reached on Monday-Friday 9:00 am to 5:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Samir Shah  
Art Unit 2856  
05/16/2006

  
DANIEL S. LARKIN  
PRIMARY EXAMINER